

12 KAR 2:016. Brand and product names.

RELATES TO: KRS 250.491-250.631

STATUTORY AUTHORITY: KRS 250.571

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for the efficient enforcement of KRS 250.491 to 250.631, regarding commercial feeds. This administrative regulation establishes uniformity in the use of brand and product names to inform and not mislead the purchaser.

Section 1. The brand or product name shall be appropriate for the intended use of the feed and shall not be misleading. If the name indicates the feed is made for a specific use, the character of the feed shall conform to that use.

Section 2. Commercial, registered brand or trade names:

- (1) Shall not be used in guarantees or ingredient listings; and
- (2) May be used in the product name of a feed produced by or for the firm holding the rights to the name.

Section 3. (1) The name of a commercial feed shall not:

- (a) Be derived from one (1) or more ingredients of a mixture to the exclusion of other ingredients; and
 - (b) Represent a component of a mixture unless all components are included in the name.
- (2) The name of an ingredient or combination of ingredients that is intended to impart a distinctive characteristic to the product which would be of significance to a purchaser may be used as a part of the brand name or product name if:
- (a) The ingredient or combination of ingredients is quantitatively guaranteed in the guaranteed analysis; and
 - (b) The brand name or product name is not otherwise false or misleading.

Section 4. The word "protein" shall not be used in the product name of a feed that contains added nonprotein nitrogen.

Section 5. (1) If the name carries a percentage value, the percentage value shall signify the protein or equivalent protein content, and the name may explicitly modify the percentage with the word "protein".

(2) If another percentage value is used, the value shall be followed by the proper description without false or misleading labeling.

(3) If a figure is used in the brand name (except in mineral, vitamin, or other products where the protein guarantee is nil or unimportant), it shall be preceded by the word "number" or some other suitable designation.

(4) A digital number shall not be used in a manner that is misleading or confusing to the purchaser.

Section 6. A single ingredient feed shall have a product name that conforms to the definitions of feed ingredients in 12 KAR 2:006.

Section 7. The word "vitamin," a contraction thereof, or word suggesting vitamin may be used in the name of a feed which is:

- (1) Represented to be a vitamin supplement; and
- (2) Labeled with the minimum content of each vitamin declared, as specified in 12 KAR 2:021, Section 3.

Section 8. (1) The term "mineralized" shall not be used in the name of a feed, except for "trace mineralized salt."

(2) A product including "trace mineralized salt" in its name shall contain significant amounts of trace minerals which are recognized as essential for animal nutrition by an authority on animal nutrition such as the National Research Council.

Section 9. The term "meat" or "meat by-products" shall designate the animal from which the meat or meat by-products is derived unless the meat or meat by-products are from cattle, swine, sheep, and goats. (AES-2 (1973)-3; 1 Ky.R. 999; eff. 6-11-75; Am. 23 Ky.R. 1606; 2704; eff. 1-10-97.)